

UNITED STATES OF AMERICA, :
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 v. : Case No. 2:13 CR 14-3
 :
 JAMES NASTRI :

The Report and Recommendation of the United States Magistrate Judge was filed September 24, 2018. Defendant filed his objections on November 6, 2018.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F. Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

Pursuant to Fed. R. App. P. 22(b), a certificate of

appealability is DENIED because the petitioner has failed to make a substantial showing of denial of a federal right. Moreover, the petitioner's grounds for relief do not present issues which are debatable among jurists of reasons, which could have been resolved differently, or which deserve further proceedings. *Lucidore v, New York State Div. Of Parole*, 209 F.3d 107, 112 (2d Cir. 2000).

It is further certified that any appeal would not be taken in good faith, and permission to proceed *in forma pauperis* is therefore DENIED. See 28 U.S.C. § 1915(a)(3).

THIS CASE IS CLOSED.

Dated at Burlington, in the District of Vermont, this 10th day of December, 2018.

/s/ William K. Sessions III
William K. Sessions III
U.S. District Court Judge